IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8526 OF 2005

Shri Rajendra Joshi. ...Applicant
V/s.
Shri Sudarshankumar Lakhmichand Jain & Anr....Respondent

Mr.M.S. Mohite for Applicant.
Ms.M.M.Deshmukh, APP for State.
Mr.G.B. Kendia for Respondent No.1.

CORAM : V.M. KANADE, J.

DATED : JANUARY 23, 2006

P.C. :-

. The applicant has filed this application for quashing of the complaint which is filed by the respondent-complainant under Section 138 of the Negotiable Instruments, Act.

2 It appears that the counter complaint has been filed under Section 420 and other sections of the IPC. Both the parties have arrived at a settlement and have filed Consent Terms which are signed by the parties and their respective Advocates. It is stated that both the parties have amicably settled their disputes and have agreed to withdraw the respective cases which they have filed against each other and it is further stated that

they do not have any claim against each other and they should not file criminal or civil suit in respect of the transaction which is the subject matter of the said complaints.

3. In view of the Consent Terms filed, the complaint filed by respondent no.1 in the Court of Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai, is quashed and set aside. Similarly, the applicant and respondent no.1 agreed to withdraw the Criminal Case No.1183/98 which is pending on the file of learned J.M.F.C., Baramati. An undertaking given by the said applicant and respondent is accepted. Consent Terms are taken on record and marked "X" for identification. Order is passed in terms of Consent Terms.

. Application is disposed of in the above terms.

. Both the parties are present before the Court.

. Certified copy expedited.

(V.M. KANADE, J.)